

project cost, benefits and returns; and focusing on risks and returns using quantifiable measures.

### **39.103—39.104 [Reserved]**

#### **39.105 Privacy.**

Agencies shall ensure that contracts for information technology address protection of privacy in accordance with the Privacy Act (5 U.S.C. 552a) and part 24. In addition, each agency shall ensure that contracts for the design, development, or operation of a system of records using commercial information technology services or information technology support services include the following:

(a) Agency rules of conduct that the contractor and the contractor's employees shall be required to follow.

(b) A list of the anticipated threats and hazards that the contractor must guard against.

(c) A description of the safeguards that the contractor must specifically provide.

(d) Requirements for a program of Government inspection during performance of the contract that will ensure the continued efficacy and efficiency of safeguards and the discovery and countering of new threats and hazards.

#### **39.106 Year 2000 compliance.**

When acquiring information technology that will be required to perform date/time processing involving dates subsequent to December 31, 1999, agencies shall ensure that solicitations and contracts—

(a)(1) Require the information technology to be Year 2000 compliant; or

(2) Require that non-compliant information technology be upgraded to be Year 2000 compliant prior to the earlier of

(i) The earliest date on which the information technology may be required to perform date/time processing involving dates later than December 31, 1999, or

(ii) December 31, 1999; and

(b) As appropriate, describe existing information technology that will be used with the information technology to be acquired and identify whether the

existing information technology is Year 2000 compliant.

[62 FR 274, Jan. 2, 1997]

#### **39.107 Contract clause.**

The contracting officer shall insert a clause substantially the same as the clause at 52.239-1, Privacy or Security Safeguards, in solicitations and contracts for information technology which require security of information technology, and/or are for the design, development, or operation of a system of records using commercial information technology services or support services.

[61 FR 41470, Aug. 8, 1996. Redesignated at 62 FR 274, Jan. 2, 1997]

## **PARTS 40—[RESERVED]**

### **PART 41—ACQUISITION OF UTILITY SERVICES**

#### **Subpart 41.1—General**

Sec.

41.100 Scope of part.

41.101 Definitions.

41.102 Applicability.

41.103 Statutory and delegated authority.

#### **Subpart 41.2—Acquiring Utility Services**

41.201 Policy.

41.202 Procedures.

41.203 GSA assistance.

41.204 GSA areawide contracts.

41.205 Separate contracts.

41.206 Interagency agreements.

#### **Subpart 41.3—Requests for Assistance**

41.301 Requirements.

#### **Subpart 41.4—Administration**

41.401 Monthly and annual review.

41.402 Rate changes and regulatory intervention.

#### **Subpart 41.5—Solicitation Provision and Contract Clauses**

41.501 Solicitation provision and contract clauses.

#### **Subpart 41.6—Forms**

41.601 Utility services forms.